

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

APL CO. PTE. LTD.,)	Case No. 09-3967 SC
)	
Plaintiff,)	ORDER TRANSFERRING CASE TO
v.)	THE SOUTHERN DISTRICT OF
)	<u>NEW YORK</u>
KEMIRA WATER SOLUTIONS, INC.)	
(formally known as "Kemiron)	
Companies"), FAIRYLAND ENVITECH)	
CO. LTD.,)	
)	
Defendants.)	
)	

On March 10, 2010, this Court denied a motion by Defendant Kemira Water Solutions, Inc. ("Kemira") to dismiss this action for improper venue. ECF No. 25. The Court found that the Bill of Lading between Plaintiff APL Co. Pte. Ltd. ("APL") and Kemira included a forum selection clause giving merchants the right to "refer any claim or dispute to the United States District Court for the Southern District of New York." Id. However, it found that transfer or dismissal was not in the interests of justice, because the Southern District of New York would not likely have jurisdiction over Defendant Fairyland Envitech Co. Ltd. ("Fairyland"), a Taiwanese entity and "an important party to this suit." Id.

One year has since passed, and APL has been unable to serve

1 Fairyland with its Complaint. Because Fairyland's participation in
2 this suit was the only basis on which the Court opted against
3 transfer, the Court now TRANSFERS this action to the United States
4 District Court for the Southern District of New York.

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6 IT IS SO ORDERED.

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8 Dated: March 9, 2011


9 UNITED STATES DISTRICT JUDGE